

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALFREDO DePERIO, *et al.*,

Petitioners,

v.

ALBERTO GONZALES, *et al.*,

Respondents.

CASE NO. C05-659-JLR-JPD

ORDER OF TRANSFER TO THE  
UNITED STATES COURT OF  
APPEALS FOR THE NINTH  
CIRCUIT AS A PETITION FOR  
REVIEW

The Court, having reviewed petitioners' 28 U.S.C. § 2241 petition (Dkt. #1), all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) This Court is without jurisdiction to consider petitioners' challenge to their removal orders. Accordingly, this action is hereby TRANSFERRED to the United States Court of Appeals for the Ninth Circuit as a Petition For Review pursuant to § 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231.

1 (3) Respondents are temporarily enjoined from removing petitions from the United  
2 States pending further order of the United States Court of Appeals for the Ninth  
3 Circuit. (Dkt. #10).

4 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings  
5 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,  
6 however, retain a copy of the Court's electronic file. The Clerk is further  
7 directed to send copies of this Order to all counsel of record, and to Judge  
8 Donohue.

9 DATED this 30th day of July, 2005.

11 s/James L. Robart

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13 JAMES L. ROBART  
14 United States District Judge